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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

50990037-2

(084061-0529)

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On January 8, 2007

Signature

Typed or printed name

Application Number

09/755,156

Filed

1/8/2001

First Named Inventor

Pierre SAUVAGE

Art Unit

2616

Examiner

Ian N. Moore

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 26,874

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

William T. Ellis Reg. No. 43,438
Signature

W. T. Ellis
William T. Ellis
Typed or Printed Name

(202) 672-5485
Telephone Number

January 8, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.



*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Atty. Dkt. No. 50990037-2
(084061-0529)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pierre SAUVAGE ET AL.
Title: AUTO-CONFIGURATION PROCESS FOR A POINT CODE
IN A COMMON CHANNEL SIGNALLING NETWORK
Appl. No.: 09/755,156
Filing Date: 1/8/2001
Examiner: Ian N. Moore
Art Unit: 2616
Confirmation Number: 4580

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the New **Pre-Appeal Brief Conference Pilot Program**,
announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice
of Appeal.

REMARKS

Allowable subject matter

Applicants appreciate the indication that claims 9-16 are allowed, and that claim 6
contains allowable subject matter.

Rejections under 35 U.S.C. §§ 102 and 103

Claims 4-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S.
Patent No. 5,084,816 to Boese ("Boese"). Claims 1-3 and 8 stand rejected under 35 U.S.C. §
103(a) as being unpatentable over Boese in view of U.S. Patent No. 5,898,667 to Longfield
("Longfield"). Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over

Boese in view of U.S. Patent No. 6,731,649 to Silverman ("Silverman"). Applicants respectfully traverse these rejections for at least the following reasons.

Claim 1 recites "listening to point code status messages originating from distant point codes forwarded on said link, wherein the point codes are identified by point code numbers, and wherein an alignment request is issued on said link for a given combination of MTP Level 1 parameter values, and if no response is received on said link, automatically changing the combination of parameter values and reissuing a further alignment request until a message originating from a distant point code is received." Boese does not disclose or suggest at least this feature of claim 1.

Boese discloses that when a node is fully operational and ready to be brought into service, the link connecting the node to the remainder of the network undergoes alignment by an LSSU message with values toggling between "out of alignment" and "out of service" (col. 18, lines 7-12). During a signal link test an MSU is sent containing a routing label (col. 18, lines 21-31).

Boese, however, does not disclose as recited in claim 1, "listening to point code status messages originating from distant point codes forwarded on said link, wherein the point codes are identified by point code numbers, and wherein an alignment request is issued on said link for a given combination of MTP Level 1 parameter values, and if no response is received on said link, automatically changing the combination of parameter values and reissuing a further alignment request until a message originating from a distant point code is received." The status values of "out of alignment" and "out of service" (as well as those of "processor failure" and "signaling link out of service" in col. 18, lines 53-54) are not MTP Level 1 parameter values. Moreover, even if Boese could be interpreted as changing the routing during the alignment, the routing label is also not an MTP Level 1 parameter value. Thus, Boese does not suggest all the features of independent claim 1, and claim 1 is patentable thereover for at least this reason.

The Final Office Action states on page 9:

Thus, examiner asserts that link status of alignment bit stream, time intervals, and/or routing label values as “MTP-1 parameter values” since they represent MTP level 1 functional characteristics of transmission channel and signaling link and a specific transmission method.

Applicants respectfully disagree that any of link status, time intervals, or routing labels are MTP Level 1 parameters, as would be recognized by one skilled in the art. While claims are interpreted in a broad manner during prosecution, such interpretation must still be from the viewpoint of one skilled in the art. In the present case, as recognized by one skilled in the art, (1) the link status is a parameter used between MTP Level 2 peers through LSSU messages to exchange link status information; (2) time intervals are parameters used by MTP Level 2 and Level 3 layers; and (3) a routing label is a parameter used between MTP Level 3 peers through MSU messages. For example, for an explanation of routing labels, see ITU-T Recommendation Q. 700, section 5.1 (attached as Exhibit 1 of the Request for Reconsideration filed on November 1, 2006), and for an explanation of link status, see ITU-T Recommendation Q. 703, section 11.1 (attached as Exhibit 2 of the Request for Reconsideration filed on November 1, 2006).

The Advisory Action states “the features upon which applicant relies (i.e., what are MTP-1 values) are not recited in the rejected claim(s).” Applicants submit, however, that one skilled in the art would recognize what parameters are MTP-1. Moreover, as discussed above, and contrary to the assertions by the Patent Office, the link status, time intervals, or routing labels of Boese are not MTP-1 parameters.

The Advisory Action cites to Boese at col. 17, line 45 to col. 18, line 15, and col. 14, lines 30-67 as disclosing the features of the claims, and specifically refers to the link status, time intervals, and routing labels in Boese. As discussed above, however, the link status, time intervals, or routing labels of Boese are not MTP-1 parameters.

Longfield and Silverman were cited for other features of the claims, and fail to cure the deficiencies of Boese.

Independent claim 4 recites "issuing a MTP Level 2 alignment request on said link for a given combination of said MTP Level 1 parameter values, when no response is received on said link, changing said combination of parameter values, and repeating said step of issuing an alignment request; and when a response is received on said link, setting said parameter values according to the parameter values of said combination", and thus is patentable for reasons analogous to claim 1.

Independent claim 8 recites "proceeding with MTP Level 2 alignment of said link by issuing an alignment request on said link for a given combination of MTP Level 1 parameter values, and if no response is received on said link, automatically changing the combination of parameter values, and issuing a further alignment request until a signalling link test message is received on said link", and thus is patentable for reasons analogous to claim 1.

The dependent claims are patentable for at least the same reasons as their respective independent claims, as well as for further patentable features recited therein.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance.

Respectfully submitted,

Date:

January 8, 2007

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